

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25822 of 2020

Arising Out of PS. Case No.-99 Year-2019 Thana- CHAPRA KACHARI RAIL P.S. District-
Saran

MD. SHAMIM S/o Md. Mumtaj Resident of Village-Gopalpur, Tarawara,
Ward no.07, P.S.-Mushari, District-Muzaffarpur, Bihar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Anish Kumar

For the Opposite Party/s : Mr. Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

6 15-01-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor appearing on behalf of the State.

This application for grant of regular bail arises out of
Rail P.S. Chhapra (Chhapra Kachhari) Case No. 99 of 2019
registered for the offence punishable under Section 302 of the
Indian Penal Code.

According to the prosecution's case, a quarrel had
taken place between the informant, his brother and the petitioner
for occupying seats in a train. The police had to intervene and
to pacify the situation had taken the petitioner off from the place
where the quarrel had taken place in the train. Thereafter, the
train had moved forward from there and stopped at the next
railway station. It is the prosecution's case that the informant's
brother had gone to ease himself and subsequently his dead



body was found in the toilet of the train. He was found killed with a pointed weapon. On the suspicion that the petitioner, with whom the informant and his brother had a quarrel, must have killed him, the First Information Report was registered against unknown. Subsequently, on the basis of the CCTV footage, the petitioner was identified as the person with whom the quarrel had taken place and on the basis of suspicion he was apprehended.

Learned counsel appearing on behalf of the petitioner has submitted that evidently, there is no eye-witnesses to the occurrence of killing of the deceased. The petitioner has been implicated only on the basis of suspicion, as is evident from the First Information Report, and even in the case diary there is no material to connect the petitioner with the offence alleged, except the so called confessional statement of the petitioner.

I have perused the case diary. Though there are materials to suggest that the occurrence of quarrel had taken place, there appears to be no material showing the petitioner's role in commission of the offence alleged. The petitioner is said to have confessed before the police that after he had quarrelled with the informant and his brother in the train, he had assaulted



the deceased, but not with an intention to kill him.

Considering the materials available in the case diary, in my opinion, a case for grant of regular bail is made out as charge sheet has been submitted and confessional statement of the petitioner before the police appears to be the only material against him. This application is accordingly allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate (Railway), Sonpur (Saran), in Rail P.S. Chhapra (Chhapra Kachhari) Case No. 99 of 2019.

(Chakradhari Sharan Singh, J)

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